

A meeting of the Jasper County Board of Zoning Appeals was held Monday, August 22, 2016 at 7:00pm. in the Commissioners' Room of the Jasper County Courthouse, Rensselaer, Indiana. Members present: Jim Martin, John Korniak, Chris Healey, Scott Walstra and Lance Strange. Also present: Todd Sammons, Randle and Sammons, Administrative Attorney; Mary Scheurich, Director, Kelli Standish, Secretary. Absent was: None.

Meeting was called to order by President Chris Healey. The Pledge of Allegiance was recited. The first order of business was the call for approval of the June & July 2016 minutes.

John Korniak made the motion to approve the June & July 2016 minutes. Motion was seconded by Jim Martin and carried unanimously.

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Special Exception

Cause#BZA-5-16

Applicant: RES America's – Elizabeth Carey (landowner)

Location: Sec.31-30-5 – Barkley Twp. – Meridan Rd. S. of Division Rd. E-side

Use: Construction of a meteorological (Met) Tower for wind speed study

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Public hearing held pursuant to notice published August 4, 2016 in the Rensselaer Republican, a daily newspaper of general circulation printed and published in Jasper County, Indiana; also pursuant to notice to adjacent landowners given by certified mail, return receipts requested. All as shown by the affidavit of Becky Coffey, Clerk of the Rensselaer Republican, and return receipts submitted by the applicant.

Matt Boys was present and stated that he is representing RES Americas they are requesting a Special Exception to construct a meteorological Tower. He was here a couple of months ago asking for approval for a different site and they are no longer going to use that site, so they are asking for approval for the proposed location. The proposed tower is to study the wind speeds in the area. What is unique about this company is do both the development and the construction side of the project. The proposed tower is allowed within the county but requires a special exception approval. The tower will be approximately 262ft. tall and with the lightning rod it will be 270. There will be 3 guy wire and it meets all the required setbacks. He sent the adjoining landowners their notice by FedEx mail and presented those receipts to the board members.

He then read the proposed Findings of Facts:

1. The proposed Special Exception is consistent with the purpose of the zoning district and the Jasper County Comprehensive Plan:

Response: Yes, the special exception to install a meteorological tower for study of wind speeds is within the Jasper County Zoning Ordinance, WECS Siting Regulations under Section 150.2.19 (E)(52) and will be installed consistent with the WECS Siting Regulations.

2. The proposed Special Exception will not be injurious to the public health, safety, morals and general welfare of the community (consider whether the special exception

will hurt or potentially cause harm to the county).

Response: Meteorological towers are not known to be injurious and are common practice throughout the county, state, and broader U.S. Best practice safety procedures will be followed during installation. The tower and each guy wire anchor will be enclosed by a 6 foot fence and the tower itself will have a 15 foot vertical anti-climb device. The tower will be lighted in accordance with the FAA Obstruction Lighting Standards and will be powered with a solar power package. Each guy wire will have a 7 foot high visibility sleeve, two on the top guy wire, and two orange aviation marker balls spaced equidistant on the outermost guy wire.

3. The proposed Special Exception is in harmony with all adjacent land uses.

Response: Yes, the special exception does not affect adjacent land use. Adjacent land use is agricultural, which will be able to continue unimpeded, the only effected property will be the land within the site boundary

4. The proposed Special Exception will not alter the character of the district.

Response: Correct, the proposed meteorological tower will not substantially alter the character of the district. Similar meteorological towers and cellular towers exist within the county and have not materially altered the districts where they are currently installed.

5. The proposed Special Exception will not substantially impact property value in an adverse manner (consider whether neighboring property will suffer any major negative impacts).

Response: Correct, the proposed meteorological tower will not substantially impact property value in an adverse manner. The agricultural land use for adjacent properties shall remain intact and unaffected. The tower will be visible from adjacent properties but there is not substantial evidence a meteorological tower negatively or substantially impacts the property value of agricultural use land.

6. No appreciable environmental harm will result from the use allowed by the special exception or if such harms could result, such resulting harms are eliminated or reasonable mitigated by best practice measures taken by the applicant or others in relation to the use of the special exception.

Response: Correct, the proposed meteorological tower will not result in substantial environmental harm.

Chris Healey asked if anyone present had any opposition to the application.

Ronald Molenaar was present and stated that he isn't really in favor or opposed. He wanted to know if this was just a testing area and then you will come back with the wind farm?

His main concern is his wife has a pacemaker and she can't stand over a running motor and she can't be under high wire lines. He doesn't live too far from the proposed test tower. Can you tell me if this is going to cause his wife any problems with her having the pacemaker?

Matt Boys replied that there are no known facts that the wind towers have any effect on someone with a pacemaker. There are a lot of studies that are coming from Japan. This is why they try to have the wind towers away from residences. The best practice they use as a company is 1.5 times the turbine height, where they go from any residential areas that put them 1200 - 1500 meters away from any residential areas. The wind towers do not have any power lines that connect them, it's all underground.

Steve Waling was present and stated that he lives across the street from the proposed application. He wanted to know how he was to be notified of the meeting because he found a FedEx envelope laying 20 feet from his front door. The letter in it was for tonight's meeting and it was so wet he had a hard time reading it. He thought they had to be certified mail with a signature. Has that changed? If this is approved does this open it up to other towers? He is opposed to wind farms.

Attorney Sammons replied that the applicant is not required to send them by certified return receipts anymore. They use to have to send them by certified mail, but since they have updated the Code Book they found out that that was not a state statute requirement.

Scott Walstra replied that the applicant is asking for approval for a test tower and any other proposed towers will have to come to the board to obtain approval.

John Korniak asked how long do you study the wind?

Matt Boys replied that one year is a minimum standard practice the more data they get the better it is. A wind farm is usually many years out at this point.

Scott Walstra made the motion to grant approval for the special exception along stated in his presentation in Article 9, Special Exception 9.14 (7)(a)(i) through (vi) and the applicant will have to renew their application in 18 months. Motion was seconded by John Korniak and carried unanimously.

Chris Healey then read the Findings of Facts from Article 9, Special Exception 9.14 (7)(a)(i) through (vi) to the Board:

- i. The proposed special exception is consistent with the purpose of the zoning district and the Jasper County Comprehensive Plan;

The board unanimously voted that the applicant met the requirements of (i).

- ii. The proposed special exception will not be injurious to the public health, safety, morals and general welfare of the community;

The board unanimously voted that the applicant met the requirements of (ii).

iii. The proposed special exception is in harmony with all adjacent land uses;

The board unanimously voted that the applicant met the requirements of (iii).

iv. The proposed special exception will not alter the character of the district;

The motion passes with a vote of 4 members in favor and Lance Strange opposed.

v. The proposed special exception will not substantially impact property value in and adverse manner; and

The motion passes with a vote of 4 members in favor and Lance Strange opposed.

vi. No appreciable environmental harm will result from the use allowed by the special exception, or, if such harms could result, such resulting harms are eliminated or reasonably mitigated by best practice measures taken by the applicant or others in relation to the use of the special exception.

The board unanimously voted that the applicant met the requirements of (vi).

Scott Walstra made the motion to grant approval for the Findings of Facts that have been stated by the Applicant. Motion was seconded by John Korniak and carried unanimously.

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Upon motion duly made and seconded, meeting was adjourned.

A TRUE RECORD;

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Jim Martin, Vice President